

HOUSE BILL No. 1383

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-14; IC 35-43-5-4.3.

Synopsis: Restricting public assistance for illegal aliens. Requires a law enforcement agency to: (1) cooperate with the United States Department of Homeland Security concerning illegal aliens; (2) attempt to verify the legal status of an individual suspected of being an illegal alien; and (3) notify the individual, the attorney general, and the United States Department of Homeland Security that the individual is suspected of being an illegal alien. Provides that an individual may not receive public assistance, benefits for publicly funded health care, or health care services from publicly funded hospitals or health facilities unless the individual is legally present in the United States. Requires a public elementary or secondary school or state educational institution to verify the legal status of each student. Prohibits: (1) a public elementary or secondary school or state educational institution from admitting or permitting attendance of an individual who is an illegal alien; and (2) an agency from issuing or renewing a license, permit, or any other official authorization to an illegal alien. Makes immigration forgery a Class C felony.

Effective: July 1, 2006.

Turner, Woodruff, Bright, Smith J

January 12, 2006, read first time and referred to Committee on Public Safety and Homeland Security.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1383

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-110.8 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2006]: **Sec. 110.8. For purposes of**
4 **IC 12-14-8.5, "illegal alien" has the meaning set forth in**
5 **IC 12-14-8.5-1.**

6 SECTION 2. IC 12-7-2-122.3 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2006]: **Sec. 122.3. For purposes of**
9 **IC 12-14-8.5, "law enforcement agency" has the meaning set forth**
10 **in IC 12-14-8.5-2.**

11 SECTION 3. IC 12-14-2.5-1 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1. Except as provided**
13 **in IC 12-14-8.5**, a person who is classified as a refugee (as defined in
14 8 U.S.C. 1101) is eligible for all services under this article as if the
15 person were classified as a citizen of the United States.

16 SECTION 4. IC 12-14-8.5 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE



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JULY 1, 2006]:

Chapter 8.5. Restrictions on Public Assistance to Illegal Aliens

Sec. 1. As used in this chapter, "illegal alien" means an individual who is present in the United States in violation of federal immigration laws.

Sec. 2. As used in this chapter, "law enforcement agency" means an agency or a department of any level of government with the principal function of apprehending criminal offenders. The term includes the office of the inspector general.

Sec. 3. A law enforcement agency shall fully cooperate with the United States Department of Homeland Security regarding an individual who is arrested if the individual is suspected of being an illegal alien.

Sec. 4. If a law enforcement agency arrests an individual who is suspected of being an illegal alien, the law enforcement agency shall do the following:

(1) Attempt to verify the legal status of the individual as:

(A) a citizen of the United States;

(B) an alien lawfully admitted as a permanent resident;

(C) an alien lawfully admitted for a temporary period; or

(D) an illegal alien.

In verifying the legal status of an individual under this subdivision, the law enforcement agency may question the individual regarding the individual's date and place of birth and date of entry into the United States and request documentation of the individual's legal status and any other information necessary to verify the individual's legal status.

(2) Notify the individual of the individual's suspected status as an illegal alien and inform the individual that the individual must:

(A) prove the individual's legal status;

(B) obtain legal status; or

(C) leave the United States.

(3) Notify the attorney general and the United States Department of Homeland Security of the suspected status of the individual as an illegal alien and provide additional information that may be requested by another public entity.

Sec. 5. A municipality, a county, a legally authorized governmental entity with jurisdictional boundaries, or a law enforcement agency may not take any legislative, administrative, or other action to prevent or limit the cooperation required under this chapter by an individual.

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1 **Sec. 6. (a) An individual may not receive any public assistance**
 2 **for which the individual is otherwise eligible unless the individual's**
 3 **legal status has been verified as one (1) of the following:**

- 4 **(1) A citizen of the United States.**
 5 **(2) An alien lawfully admitted as a permanent resident.**
 6 **(3) An alien lawfully admitted for a temporary period of time**
 7 **that has not yet expired.**

8 **(b) Except for emergency medical care that is required to be**
 9 **provided under federal law, only citizens of the United States and**
 10 **aliens lawfully admitted to the United States may receive the**
 11 **benefits of publicly funded health care.**

12 **(c) Except for emergency medical care that is required to be**
 13 **provided under federal law, an individual may not receive health**
 14 **care services from a publicly funded hospital licensed under**
 15 **IC 16-21 or IC 16-22 or health care facility (as described in**
 16 **IC 16-28-13-0.5) for which the individual is otherwise eligible**
 17 **unless the individual's legal status has been verified as one (1) of**
 18 **the following:**

- 19 **(1) A citizen of the United States.**
 20 **(2) An alien lawfully admitted as a permanent resident.**
 21 **(3) An alien lawfully admitted for a temporary period that has**
 22 **not yet expired.**

23 **Sec. 7. (a) A public elementary school or secondary school may**
 24 **not admit or permit the attendance of a child who is not:**

- 25 **(1) a citizen of the United States;**
 26 **(2) an alien lawfully admitted as a permanent resident; or**
 27 **(3) a person who is otherwise authorized under federal law to**
 28 **be present in the United States.**

29 **(b) Each school corporation shall verify the legal status of a**
 30 **child enrolling in the school corporation for the first time.**

31 **Sec. 8. (a) A state educational institution (as defined in**
 32 **IC 20-12-0.5-1) may not admit, enroll, or permit the attendance of**
 33 **an individual who is not:**

- 34 **(1) a citizen of the United States;**
 35 **(2) an alien lawfully admitted as a permanent resident; or**
 36 **(3) a person who is otherwise authorized under federal law to**
 37 **be present in the United States.**

38 **(b) Each state educational institution shall verify the legal status**
 39 **of each individual enrolled or in attendance at the institution at the**
 40 **beginning of each term or semester.**

41 **Sec. 9. An agency (as defined in IC 4-1-7.1-1) may not issue or**
 42 **renew a license, permit, or any other official authorization to an**

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individual who is not:

- (1) a citizen of the United States;
- (2) an alien lawfully admitted as a permanent resident; or
- (3) a person who is otherwise authorized under federal law to be present in the United States.

SECTION 5. IC 35-43-5-4.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.3. A person who, with the intent to conceal the true citizenship or resident alien status of any person, makes, utters, or possesses a written instrument in a manner that it purports to have been made:**

- (1) by another person;
 - (2) at another time;
 - (3) with different provisions; or
 - (4) by authority of one who did not give authority;
- commits immigration forgery, a Class C felony.**

SECTION 6. [EFFECTIVE JULY 1, 2006] IC 35-43-5-4.3, as added by this act, applies only to crimes committed after June 30, 2006.

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